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The Administrative Record Staff



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

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DENVER, COLORADO 80202-2486

JUL 25 1995

Ref: 8HWM-FF

Mr. Steven Slaten
Department of Energy
Rocky Flats Office
P.O. Box 928
Golden, CO 80402-0928

Re: OU 1 Proposed Plan Joint Statement of Dispute

Dear Mr. Slaten:

EPA and CDPHE have received your letter dated June 30, 1995, that puts forth DOE's portion of the joint statement of dispute in regards to the Operable Unit 1 (OU 1) Proposed Plan. This letter provides the EPA and CDPHE portion of the joint statement of dispute, so that this matter can be elevated to the Dispute Resolution Committee (DRC) for resolution.

Primary dispute issue:

Is No Action for subsurface soils and groundwater at
OU 1 protective of human health and the environment?

DOE's position, according to the June 30 letter, is that "the low risk levels and limited source of contamination at this site warrant No Action". Under the current land use of this portion of the site, there is no complete route of exposure to the contaminants present in groundwater emanating from IHSS 119.1. Because of this incomplete exposure pathway, risks to human health and the environment are calculated to be in the acceptable range. Nevertheless, dissolved contaminants (five solvents and selenium) are present in this groundwater at concentrations that would pose an unacceptable risk to human health through ingestion and/or inhalation. Therefore EPA and CDPHE contend that: it is the responsibility of DOE to take an action or combination of actions to: 1) ensure that such exposures do not occur in the future and 2) prevent further migration of this plume and further contamination of groundwater.

Preventing future exposure and migration of this plume can be accomplished in a number of different ways, and the feasibility study analyzed five different alternatives in addition to the no action alternative. In the feasibility study, all five action alternatives were determined to be protective of human health and the environment and also compliant with ARARs. Without some sort of action, there would be no assurance of human health



protection in the future. In addition, plume migration would continue at an increased rate, groundwater contamination would not be contained and compliance with ARARs would certainly not occur.

During the informal dispute resolution period, DOE proposed institutional controls, monitoring, and potential mitigating actions. This was generally agreed upon by the agencies, with the exception of the monitoring well locations and action levels. DOE proposed that the monitoring wells would be located down gradient of the french drain and action levels were not clearly stated. Both EPA and CDPHE assert that monitoring wells must be upgradient of the french drain, so that if necessary, it could be utilized to contain the plume. CDPHE has proposed detection limits as action levels.

Therefore, we request that the DRC resolve whether a remedial alternative, other than a "No Action" alternative is necessary. If a remedial alternative is deemed necessary, we request that the DRC resolve the issues of: 1) monitoring well locations (up or down gradient of the french drain) and 2) whether detection limits or ARARs would be used to trigger additional remedial actions. By doing this, the DRC would establish a basis for further staff level evaluation to select the most cost effective and beneficial alternative.

According to cost estimates discussed in DOE's feasibility study, using only the existing french drain to collect groundwater for treatment would cost more and be less effective than other alternatives that are more aggressive. Consequently, a staff level evaluation should result in the selection of an alternative that is acceptable to each of the parties.

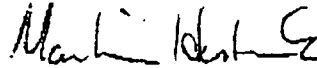
If the DRC finds that some form of remedial action is necessary, EPA and CDPHE recommend that DOE task its prime contractor to review, and if necessary, revise to each of the parties' satisfaction, the cost estimates for the remedial action alternatives under consideration. It is critical that the prime contractor, under the new management agreement and pressing budget constraints, indicate confidence in such cost estimates and alternatives to ensure the most viable remedial action.

After submittal of revised cost estimates, the OU 1 project managers for DOE, EPA, and CDPHE shall evaluate the alternatives to determine the recommended remedial action for the OU 1 proposed plan. The decision of the project managers shall be final and presented to the public in a proposed plan agreed upon by all three parties. If after two weeks of evaluation, the project managers are unable to come to agreement, the issue will be returned to the DRC for resolution.

It is necessary at this time to extend the period of dispute resolution by three weeks to August 18, 1995, due to the temporary absences of several individuals who are most knowledgeable of this project. We propose that the DRC meet to resolve this dispute on either August 16, 17, or 18 in EPA's office. Please notify EPA of your availability for those dates, allotting about three hours for the meeting.

If you have any comments or questions, please contact either Gary Kleeman (HFA) at 294-1071 or Chris Gilbreath (CDPHE) at 692-3371.

Sincerely,



Martin Hestmark, Manager
Rocky Flats Project

Joe Schieffelin, CDPHE
Rocky Flats IAG Unit Leader
Facilities Section
Hazardous Materials and Waste Management Division

cc: Dave George, DOE
Chris Gilbreath, CDPHE
Joe Schieffelin, CDPHE
Bill Fraser, EPA